

Vista Highlands Sewer Project Scheduled to Start Next Tuesday

The county sanitation district has tentatively set next Tuesday, May 28, as the time to start the Vista Highlands tract sewer extension project...

STAMP STORE TO CLOSE

On account of the holiday Saturday, proclaimed by Gov. Olson for the re-opening of the San Francisco fair, the Federal Food Stamp store at 1215 El Prado will be closed all that day...

ing," he reminded the board. The project, recently approved by WPA authorities in Washington, will cost the city only about \$2,500, while the total cost is estimated at \$170,000. The WPA project grant was for \$164,966.

ATTORNEY WARNS COUNCIL LAW IS DEFECTIVE - POWELL BLAMES AUDITOR

(Continued from Page 1-A) "I want Chief Stroth to know there is nothing personal in my remarks," Murray said...

"A man who has served your city faithfully for 16 years without a complaint surely deserves more than charges which blacken his name in this city. This body owes Stroth every courtesy you can give him. He not only accepts grand jury investigation but welcomes it..."

"Our attorney was sitting right here when we took our action," Councilman Murray interjected. "If we did wrong he should have advised us..."

Attorney Points Shame Councilman Hitchcock made his first motion to rescind action discharging Stroth but received no qualifying second...

"There's no question about that," Shedy broke in. "He is under civil service. Unfortunately you have failed to set this in proper order..."

"I believe all of you know the real truth of this matter," the attorney continued. "Chief Stroth acted upon instructions not to turn over the money in question..."

Murray Fires at Lawyer "Your ordinance leaves everything vague—you can hire by it but you can't fire. Our organization will be glad to cooperate with you in drafting a better ordinance..."

The city attorney has been asked several times and he has always said the chief was under civil service," Hitchcock reminded his fellow-board members.

"You have acted contrary to the whole tenets of the civil service system," Shedy began and was interrupted by Murray who fired.

"You have acted pretty strong, standing there telling us off-taking in a lot of latitude, I think!" The auditor told us over \$400 was discovered in an envelope in the police station. Later he said he did not mean to give that impression."

"I may have acted pretty strong," Mr. Murray, but you are a public official and we don't want to see political use of the merit system," Shedy replied.

Attorney McCall offered to give an opinion on the points raised in the discussion at the next council meeting. He stated that the civil service ordinance provides no plan for the direct councilmanic removal of a chief of police—he is under its provisions and must be accorded a public trial."

"I want Chief Stroth to know there is nothing personal in my remarks," Murray said. "I did not know he was under civil service. I don't see why we should go into a tail-spin over this."

At this point, the man around whom all of the controversy flared made his only statement at the session. Chief Stroth reminded Murray that "you told me a week or 10 days ago you knew I was under civil service."

"If it is still the council's desire to reduce Chief Stroth to a captain, may I remind you that you have just 10 days left to comply with the ordinance if you desire to make such a change effective June 1," Shedy said.

All Illegal, Prewett Says Mayor Tom McGuire, who had been an interested listener up to this point asked if the council wanted a written opinion from the city attorney.

"Yes, and if things have been done wrong we should rectify them," Babcock replied. One-time Councilman Joseph Wright gained the floor and put in that when the ordinance in question was drawn up "I had nothing to do with it..."

"I want to ask the city attorney if the ordinance was passed by vote of the people?" Prewett questioned and was informed it was. "If Stroth's removal is illegal the abolishment of the office of director of public safety (formerly held by Stroth) is also illegal..."

No Plan for Dismissal Prewett's contribution did nothing to clarify the situation and it was promptly cast aside. Babcock then asked the city attorney for a written opinion on the civil service ordinance.

"We want a man who has been president of our association for two years, a reputable citizen of your community, to get a fair break that's all," he said. Attorney McCall pointed out that the civil service ordinance "does not set up any plan to dismiss a chief of police or a chief of the fire department..."

"Yes, he has been since 1939 when the state legislature passed a validating act for sixth class cities which have civil service ordinances which listed police and fire chiefs as 'public employees.' As to their removal I defy anyone to tell me how to remove a chief of police or fire chief under our present ordinance without recommendation of the civil service commission."

Mrs. Nettie Brown of 1008 Cedar avenue urged reconsideration of Stroth's ouster declaring there "is no need for court action to clear this up." She praised Stroth and said "we owe him that appreciation."

"I content this is a very confusing ordinance," Murray mourned. "I agree, and we want to help—and we want justice done," Shedy told him.

Councilman Powell, who had not spoken since he had said he was willing to convey the request for an investigation of Stroth's and Judge Lessing's departments to the grand jury, then made the following statement:

Nothing Personal, Powell Says "I'm not going to argue about the ordinance—it's debatable. I made the motions for the removal of Stroth and Lessing. I was interested in protecting the interest of the public and according to our auditor's own statement there was a shortage of

'Fireworks' Pop as Council is Faced With Suit If Ouster Not Rescinded

\$1,200 in the judge's accounts and over \$400 of it was located in the police department.

"Four policemen gave receipts out of the police department at various times and the whole shortage was made up. This is not a personal matter with me. There is nothing personal in it. I have been a friend of John Stroth's for years. But it's a matter of public trust," Powell said.

"Mr. Powell, you said in your original accusations you heard something was wrong in the police and city judge's departments. Do you know if it was true?" questioned Attorney Shedy.

"The auditor told me and then he told a different story after our action was taken," the councilman replied.

Procedure Outlined "But how about you—do you know if there was any truth in your accusations, or are you taking someone else's word for charges that defame a trusted employe of your city for 14 or 16 years?" continued Shedy.

"I'm not a mind reader," Powell replied. Hitchcock then offered his second motion to rescind the council action of May 14 reducing Stroth in rank "and give him a hearing before the civil service board."

Considerable discussion followed but the motion again died for lack of a second. Babcock questioned Attorney McCall as to the procedure to be followed in obtaining a hearing before the civil service trial board and the attorney outlined the formalities—filing of written charges, 10 days notice, testimony taken under oath, followed by a recommendation to the city council which must be adopted by that body.

"How long would it take to start proceedings or action?" Babcock continued.

Different Stories Told "Just long enough to prepare and file charges with the civil service commission—took about two hours in the Stevenson case," McCall replied referring to the public hearing conducted by a civil service trial board in 1938 which resulted in the dismissal of one-time Fire Chief A. D. Stevenson.

"Our auditor seems to have two or more different stories to offer about this case," Murray commented and he asked Attorney Shedy: "Will you help us draft a new civil service ordinance?" Shedy said he and his organization would be "most willing to assist."

"Why doesn't the chief of police have to take an examination to be chief of police?" questioned Babcock, but no answer was forthcoming. Murray suggested "we should have a conference on this matter with our own attorney."

Babcock Wants Justice "Yes, and you should give your chief of police—whoever he is—the same courtesy that you give the youngest rookie in your police department or even a drunken bum..." began Shedy to be stopped by Murray who objected.

"Oh, it isn't that bad, Mr. Shedy." "It is that bad, Mr. Murray. By continuing to defend these alleged charges against Chief Stroth you're telling everyone in this town Stroth misappropriated public funds and is not giving him a fair trial to disprove those allegations!" the attorney rapped out.

"How soon, John, can you give us a written opinion—tomorrow?" again questioned Babcock. John McCall said he could and asked what it should cover. Not specifying the field of the attorney's rulings, Babcock continued by saying: "If we did something wrong I want to rectify it," and later: "I believe there may have been injustice done; however, I believe the police department would be better off under a different head."

Law Said Ambiguous "I think the auditor ought to be here and clarify his different conflicting statements," Powell said. Mayor McGuire pointed out that Auditor Rambo "can make his statements before the civil service trial board under oath" and Murray and Powell both agreed.

"I want to clarify any error in the proceedings and I assure everyone that it was no fault of mine if they have been at fault," Powell said. J. O. Bishop, chairman of the

necessity of it, saying: "Are we supposed to delegate the job to someone?" City Attorney McCall said that the city clerk or city attorney should have been instructed to transmit the request.

"I offer a substitute motion," Hitchcock interjected, "that Powell be authorized to contact the grand jury in regard to this investigation, authorized by the city council on his allegations. Let him take the job."

"That is acceptable to me," Powell said, "and I'll be glad to do it if the city clerk will give me a letter to the grand jury." Murray said the substitute proposal was also acceptable to him and seconded it. The motion carried unanimously.

Stating that he "was inquiring for information," Powell said he called on City Clerk A. H. Bartlett, requesting a copy of the auditor's report on the accounts of the city judge in regard to "the shortage in city funds."

"Bartlett told me he didn't have it, that Rambo (the auditor) had it in his brief case," Powell continued. "I believe those records should be in possession of the city at all times."

Clark Bartlett stated that Rambo had taken the report out of the city files "because he wanted to refresh his mind with the contents and he intended to have it here today at this meeting. However, he was held up by a grand jury investigation in San Bernardino."

Order Copies Made In Future "Has the report been officially turned over to the city?" Mayor Tom F. McGuire asked. "I don't know if it was," Bartlett replied. "Hereafter I believe it would be a good practice to make copies of all reports when they are given out," the mayor instructed.

"Rambo promised to have that report ready for me yesterday and it still isn't here," Powell continued.

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